

fraudulently joined. Wyeth cannot meet the high burden for fraudulent joinder as the allegations in the complaint and supporting affidavits show that plaintiffs have far more than a colorable claims against Indevus.

In support of his motion, plaintiffs rely upon their consolidated memorandum filed in *Amadeo, et al v. Indevus, et al*, No. 04cv11039, and supporting documents. Individual affidavits will be supplied if deemed necessary.

In the event that his motion is granted, plaintiffs request that this Court issue an order requiring that the removing defendants pay plaintiffs' just costs and any actual expenses, including attorneys fees, incurred as a result of the removal.

The Plaintiffs
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